

Attorney Docket No. 9537-3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Dvaid N. Ku  
Application No.: 10/658,932  
Filing Date: September 9, 2003  
For: Flexible Spinal Disc

Confirmation No. 3113  
Examiner: David H. Willse  
Group Art Unit: 3738

Date: January 27, 2009

Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT COVER LETTER**

Sir:

Attached is an Information Disclosure Statement listing of documents, together with a copy of any listed foreign patent document and/or non-patent literature. A copy of any listed U.S. patent and/or U.S. patent application publication is not provided herewith in accordance with 37 C.F.R. § 1.98(a)(2)(ii).

☒ In accordance with **37 CFR 1.97(c)**, the information disclosure statement is being filed after the period specified in 37 CFR 1.97(b) above, but before the mailing date of any of a final action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:

☒ (1) The statement specified under **37 CFR 1.97(e)**, as follows:

☒ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement; or

☐ (2) The fee set forth in §1.17(p);

In accordance with **37 CFR 1.97(g)**, the information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with **37 CFR 1.97(h)**, the information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).

☒ The Director is hereby authorized to charge the fee specified in 37 C.F.R. § 1.17(p), and any fee deficiency or credit any overpayment, to Deposit Account No. 50-0220; or

☐ No fee is believed due. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



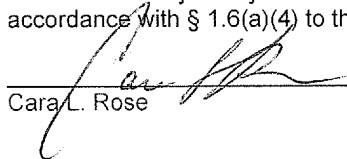
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**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on January 27, 2009.

  
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Cara L. Rose